

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

STEPHEN C. ELDRIDGE,)	
)	
Plaintiff,)	
)	
v.)	No. 2:06-CV-85
)	(GREER/GUYTON)
ALLIANZ LIFE INSURANCE COMPANY)	
OF NORTH AMERICA, WALNUT STREET)	
SECURITIES, AND IRA STITZ)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b) and the Rules of this Court for disposition of the following motion: Defendant Allianz Life Insurance Company of North America's ("Allianz") Motion to Strike [Doc. 44].

Allianz¹ moved to strike two documents: Plaintiff's reply memorandum [Doc.36] in opposition to Allianz's motion to dismiss and Plaintiff's supplemental response to Allianz's motion to dismiss [Doc. 42]. In support thereof, Allianz argues such submissions should be struck because they are improper, per Local Rule 7.1. Plaintiff responds [Doc. 48] to Allianz's motion by arguing that the Court should, in the interest of justice, be lenient with a pro se plaintiff.

¹Defendants Walnut Street Securities and Ira Stitz joined in Allianz's Motion to Strike. [Doc. 50, n. 2].

Local Rule 7.1, in relevant part, provides:

(a) Briefing Schedule. Unless the court notifies the parties to the contrary, briefing schedule for all motions shall be: (1) the opening brief and any accompanying affidavits or other supporting material shall be served and filed with the motion; (2) the answering brief and any accompanying affidavits or other material shall be served and filed no later than 10 days after the service of the opening brief, except that parties shall have 20 days in which to respond to dispositive motions; (3) any reply brief and accompanying material shall be served and filed no later than 5 days after the service of the answering brief. The above briefing schedule may be set aside if ordered by the court, or if within 10 days after the filing of a motion, a stipulated briefing schedule is approved by the court.

.....

(c) Reply Briefs. Unless otherwise stated by the court, reply briefs are not necessary and are not required by the court. A reply brief shall not be used to reargue the points and authorities included in the opening brief, but shall directly reply to the points and authorities contained in the answering brief.

(d) Supplemental Briefs. No additional briefs, affidavits, or other papers in support of or in opposition to a motion shall be filed without prior approval of the court, except that a party may file a supplemental brief of no more than five (5) pages to call to the court's attention developments occurring after a party's final brief is filed. Any response to a supplemental brief shall be filed within five days after service of the supplemental brief and shall be limited to no more than five (5) pages.

Therefore, when a motion is filed, the non-movant may file a response, and then the movant may file a reply. After a reply is filed, no further response may be filed without leave of the court. A supplemental brief may only be filed to “[c]all to the court’s attention developments occurring after a party’s final brief is filed.” L.R. 7.1(d).

This Court must accord pro se litigants a measure of leniency. Wolfel v. United States, 711 F.2d 66, 67 (6th Cir. 1983). “[F]ailure to adhere to the letter of Local Rules is not itself fatal” to a pro se Plaintiff’s pleading. Hawkins v. Int’l Harvester, 461 F. Supp. 588, 590 (W.D. Tenn. 1978); In re King, 2005 WL 4030049, at *3 n.3 (Bankr. S.D. Ohio July 15, 2005) (evaluating a pro se plaintiff’s submission for content, instead of technical compliance with the local rules).

Although Plaintiff has not complied with Local Rule 7.1, this Court must be lenient in its treatment of a pro se litigant. Accordingly, this Court **DENIES** Defendant's Motion to Strike [Doc. 44]. However, for all future filings, Plaintiff is **DIRECTED** to request leave of court to file motions not specifically allowed by Local Rule 7.1 and to comply with all other provisions of the Local Rules.²

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge

²This Court's local rules are available online at <http://tned.uscourts.gov/localrules.php>.